

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7562

Joint Petition of Vermont Electric Power Company,)
Inc., and Vermont Transco, LLC (collectively known)
as "VELCO"), and Village of Lyndonville Electric)
Department ("LED") for a Certificate of Public)
Good, pursuant to 30 V.S.A. Section 248,)
authorizing the construction of a substation to be)
located on VELCO-owned land north of and adjacent)
to LED's No. 2 Substation on Hill Street in the Town)
of Lyndon, Vermont)

Hearing at
Montpelier, Vermont
February 16, 2010

Order entered: 3/11/2010

PRESENT: Gregg Faber, Hearing Officer

APPEARANCES: S. Mark Sciarotta, Esq.
for Vermont Electric Power Company, Inc. and
Vermont Transco, LLC

William B Piper, Esq.
Joslyn L. Wilshek, Esq.
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for Village of Lyndonville Electric Department

Louise Porter, Esq.
for Vermont Department of Public Service

Judith Dillon, Esq.
for Vermont Agency of Natural Resources

I. INTRODUCTION

In this proposal for decision, I recommend that the Vermont Public Service Board ("Board") approve the petition filed by Vermont Electric Power Company, Inc., Vermont Transco LLC (collectively referred to as "VELCO") and the Village of Lyndonville Electric Department ("LED") (together referred to as the "Petitioners") pursuant to 30 V.S.A. Section 248, and grant the Petitioners a certificate of public good ("CPG") authorizing the construction of an electrical substation on Hill Street in Lyndon, Vermont, and modifications to the existing adjacent 115 kV

transmission line and 34.5 kV subtransmission line in order to connect these lines to the new substation (the "Project").

II. BACKGROUND

This case involves a petition originally filed by the Petitioners on September 1, 2009, for a certificate of public good ("CPG"), pursuant to 30 V.S.A. § 248, to construct a substation to be located on VELCO-owned land north of and adjacent to LED's No. 2 Substation on Hill Street in the Town of Lyndon, Vermont.

I convened a prehearing conference in this matter on October 8, 2009.

In accordance with subdivision § 248(a)(4)(A), the Board arranged for publication of notice in the *Caledonian Record*, on October 23 and October 30, 2009, notifying the public that a site visit and public hearing would be held on the petition on November 12, 2009.

On November 12, 2009, I convened a duly noticed site visit followed by a public hearing. The public hearing was attended by one member of the public and no concerns regarding the project were expressed.

On February 16, 2010, I conducted a duly noticed technical hearing.

On February 17, 2010, the Petitioners filed, via e-mail, a Memorandum of Understanding ("MOU") in support of the petition signed by all the parties in this case.

Based on the petition, the associated prefiled testimony, the MOU, the evidence presented in the technical hearing, and the absence of any factual disputes, I have determined that this matter is ready for decision. I hereby propose that the Board make the following findings and issue a CPG to the Petitioners.

III. FINDINGS

A. The Project

1. The Project involves the construction of a new substation on a VELCO-owned 8.61 acre parcel of land, north of and adjacent to LED's No. 2 Substation on Hill Street, in the Town of Lyndon, Vermont. The Project area will be approximately 300 feet by 300 feet. Mallory pf. at 3-4; exh. VELCO-Mallory-3.

2. The substation will consist of a four-circuit-breaker 115 kV ring bus and a five-circuit - breaker 34.5 kV ring bus with a 56 MVA 115/34.5 kV transformer and two 115 kV 12.5 MVAR capacitor banks with associated circuit breakers. *Id.*

3. The substation will have two connections to VELCO's 115 kV line and four connections to LED's 34.5 kV lines in the immediate vicinity. The Project will also involve modifications to the existing adjacent 115 kV transmission line and 34.5 kV subtransmission line in order to connect these lines to the new substation. For the 115 kV line, this consists of removal of three wooden transmission structures and replacement with five wooden transmission structures and associated conductors. *Id.*

4. The 115 kV and 34.5 kV lines coming from the north/northeast are proposed to be shifted from their current position (in the joint corridor that follows the 115 kV line) to the west so that they enter the substation directly from the north. This line shift within existing utility easements is designed to avoid the banks and riparian buffer impacts in the area of the ravine and wetland that runs through the existing corridor. The wetland is part of the Lyndonville Source Protection Area for the Village of Lyndonville. Mallory pf. at 4; exh. VELCO-Mallory-3.

5. The 34.5 kV lines to the west of the proposed substation will also be relocated. Construction will involve the removal of eight poles and the setting of twelve new 34 to 45-foot high poles located in proximity to the substation fence to accommodate the construction of the substation. In addition, two poles may be replaced in their current location to facilitate making the new line connections, and the height of each of these would increase by not more than five feet. Mallory pf. at 5; Mason pf. at 3.

6. In addition to VELCO's standard substation design of switched fence lights and switched and photoelectric controlled lights on the control building, VELCO plans to install additional switched yard lights on the lightning masts to provide a safe working environment. All switched lights will be used only when necessary for night-time switching and/or maintenance activities. Mallory pf. at 5.

7. In order to provide power during construction, the Petitioners plan to install temporary power and communication circuits at the Project site, which will remain in place only until completion of substation construction activities. Mallory pf. at 6.

8. The budget estimate for the Project is \$15.513 million. This estimate includes the expected costs that LED would incur for relocation of 34.5 kV structures that are in the way of construction and for the 34.5 kV line taps to connect existing lines to the new substation. Mallory pf. at 10; exh. VELCO-Mallory-6.

9. The budgetary estimate for LED's portion of the substation facility cost is \$1,572,807. In addition, the estimate for LED equipment and work done outside of the substation is \$70,143. Mason pf. at 5.

10. LED and Central Vermont Public Service Corporation ("CVPS") have agreed to share the Specific Facilities costs of the Project for the first ten years on a 77.5% / 22.5% basis, respectively. The ratio reflects the agreed-upon value of the substation serving LED and backing up the Higgins Hill Substation, which serves CVPS. The existing Higgins Hill substation transformer and the proposed LED substation transformer are the same size and should provide reliable and redundant service and accommodate load growth for 15 to 20 years. Mason pf. at 5-6.

B. Review of the Project under the Section 248 Criteria

Orderly Development of the Region

[30 V.S.A. § 248(b)(1)]

11. The Project will not unduly interfere with the orderly development of the region, with due consideration having been given to the recommendations of the municipal and regional planning commissions, the recommendations of municipal legislative bodies, and the land conservation measures contained in the plan of any affected municipality. This finding is supported by findings 12-13, below.

12. The Project is consistent with the land conservation measures contained in the plans of the Town of Lyndon and the Northeast Vermont Development Association. Mallory pf. at 16; exh. VELCO-Mallory-9.

13. The Town of Lyndon, the Village of Lyndonville, and the Northeast Vermont Development Association have each waived the 45-day advance notice requirement pursuant to 30 V.S.A. § 248(f) and have stated support for the Project. Exh. VELCO-Mallory-9.

Need for Present and Future Demand for Service

[30 V.S.A. § 248(b)(2)]

14. The Project is required to meet the need for present and future demand for service which could not otherwise be provided in a more cost-effective manner through energy conservation programs and measures and energy efficiency and load management measures. This finding is supported by findings 15-22, below.

15. The Project is designed to enhance the transmission system's reliability under present and future load levels and to increase the system's capacity to provide adequate electric supply to meet present and future demand during all conditions, including those of equipment maintenance and failure. Mallory pf. at 6.

16. The primary area of need covers Caledonia and Essex counties in Vermont. Specifically it consists of LED's entire service area, and CVPS's service territory fed from the VELCO St. Johnsbury substation. Mallory pf. at 6-7.

17. The primary area of need has only one 115 kV source from the statewide transmission network (i.e., the St. Johnsbury substation). In addition, the LED area has only one 34.5 kV source (i.e., the 34.5 kV sub-transmission line from the St. Johnsbury substation that heads north to LED's No.2 substation). Mallory pf. at 7.

18. The secondary area of need covers a broad section of northern Vermont that would experience negative voltage impacts if there is a loss of transmission supply from either the east or west side of the state. Mallory pf. at 7.

19. In the event of an outage at the VELCO St. Johnsbury substation, or the 34.5 kV line feeding LED, all of LED's customers would be without power and possibly CVPS's customers would be without power from its St. Johnsbury Center and Fairbanks substations. If the St. Johnsbury transformer fails, it would take from two to four days to move a temporary spare into place, depending on weather and local soil conditions, and the location of spare units. Mallory pf. at 7-8.

20. These reliability deficiencies have been identified in VELCO's 2006 Vermont Transmission System 10-Year Long-Range Plan and its 2009 Vermont Long-Range Transmission Plan. Mallory pf. at 8; exh. VELCO-Mallory-5.

21. Based on VELCO's studies, the Petitioners anticipate that the Project will reduce the number of customers potentially impacted by these reliability deficiencies, and improve service quality (reducing customer outage hours). Mallory pf. at 8; exh. VELCO-Mallory-5.

22. VELCO investigated transmission and distribution alternatives to solve the identified reliability deficiencies, as well as support planned load growth, in the March 26, 2008, Lyndonville Electric Department Feasibility Analysis. The primary alternative was to add a second 115/34.5 kV transformer at the St. Johnsbury substation, additional 34.5 kV circuit breakers at either a CVPS or LED substation, and a second 34.5 kV line. However, this alternative was more costly and more problematic than the new 115 kV substation in Lyndon due to space limitations at the Higgins Hill substation site and the added monetary and environmental costs for nine miles of new line. The chosen option had an estimated cost of \$24.3 million (Lyndonville option 1B assuming a 2010 completion) compared to \$33.5 million (St. Johnsbury option 2 assuming a 2010 completion). The Lyndonville option was chosen as superior as it is least cost, technically stronger (i.e., it provides a 115 kV source closer to the area of need and the area of expected load increase, a higher level of reliability, and a higher level of loss savings), and will have less environmental and aesthetic impact due to no new or expanded corridor as would have been required for an additional 34.5 kV line. Mallory pf. at 13.

23. The same benefits cannot be achieved in a more cost-effective manner by efficiency, generation, conservation or other load management measures. Mallory pf. at 12.

System Stability and Reliability

[30 V.S.A. § 248(b)(3)]

24. The Project will have no adverse impact on the stability and reliability of the VELCO transmission system. The Project will improve system reliability by providing a redundant source and path of power, as well as voltage support. Mallory pf. at 10.

Economic Benefit to the State

[30 V.S.A. § 248(b)(4)]

25. The Project will provide an overall economic benefit to the State of Vermont. This finding is supported by findings 25 and 26, below.

26. The Project, by improving the reliability of the Caledonia and Essex Counties electrical system, will avoid the costs and safety problems associated with power outages. Mallory pf. at 16-17.

27. The Project allows for an expected level of economic growth in the service area and will provide reliable electric service to meet the capacity needs of the system in this area. Mallory pf. at 17.

**Aesthetics, Historical Sites, Air and Water Purity,
the Natural Environment, and Public Health and Safety**

[30 V.S.A. § 248(b)(5)]

28. The Project will not have an undue adverse effect on aesthetics, historical sites, air and water purity, the natural environment, and the public health and safety. This finding is supported by findings 28-54 below, which are the criteria specified in 10 V.S.A. §§ 1424a(d) and 6086(a)(1)-(8) and (9)(k).

Outstanding Resource Waters

[10 V.S.A. § 1424a(d)]

29. No outstanding resource waters are located in the vicinity of the Project. Mallory pf. at 21; exh. VELCO-Mallory-13.

Water and Air Pollution

[10 V.S.A. § 6086(a)(1)]

30. The Project will not result in undue water or air pollution. The Project does not involve activities which will generate air pollution. Dust resulting from construction activities will be managed in accordance with the Erosion Prevention and Sediment Control plan. Mallory pf. at 21; exh. VELCO-Mallory-13.

31. VELCO does not anticipate any discharges from the construction work or operation of the proposed upgrades that could potentially cause any water pollution. The new substation will be included in VELCO's Spill Prevention and Countermeasure Control Plan, which includes

preventive and responsive measures to mitigate the risks of a release of oil to the environment in the event of a spill. The Project will incorporate VELCO's approved, standard transformer oil containment design. Mallory pf. at 22; VELCO supplemental testimony filed February 18, 2010.

32. VELCO will procure a low-noise transformer for the substation and has commissioned a noise analysis based on this design. The conservatively predicted sound level from the transformer and capacitor bank operation at the nearest residence, approximately 400 yards distant, is approximately 33 dBA with the cooling fans on. This sound level is consistent with a quiet rural area. Mallory pf. 21-22; Exh. VELCO-Mallory-14.

Headwaters

[10 V.S.A. § 6086(a)(1)(A)]

33. The Project is not located in a headwaters area. Mallory pf. at 22-23.

Waste Disposal

[10 V.S.A. § 6086(a)(1)(B)]

34. The Project does not involve disposal of wastes or injection of any material into ground water or wells. An Erosion Prevention and Sediment Control ("EPSC") plan will be developed to manage disturbed soil during Project construction. Any woody debris from the Project site will be chipped on-site and used for soil stabilization or removed by the contractor. Areas of disturbed earth will be managed in accordance with the Project's EPSC plan. The site will also be connected to the Lyndonville municipal sewage disposal system. Mallory pf. at 23-24; exh. VELCO-Mallory-13.

Water Conservation

[10 V.S.A. § 6086(a)(1)(C)]

35. The Project does not involve the use of water for manufacturing purposes and the Project when constructed will be directly connected to municipal sewer and water. The facility will be designed with a low-flow toilet to conserve water when used, although the frequency of use is expected to be minimal. Given that the Project has incorporated water-conserving devices and does not propose to use water for manufacturing purposes, there will be no undue adverse impacts to water supplies as a result of the construction of the Project. Mallory pf. at 24; exh. VELCO-Mallory-13.

Floodways

[10 V.S.A. § 6086(a)(1)(D)]

36. The Project is not located in a floodway. Mallory pf. at 24-25; exh.VELCO-Mallory-13.

Streams

[10 V.S.A. § 6086(a)(1)(E)]

37. Petitioners have identified one stream within the Project investigation area. Mallory pf. at 25; exh.VELCO-Mallory-13.

38. This stream will be crossed with the use of a temporary bridge to allow construction crews to access the nearby 115 kV line to perform necessary structure work to connect the new substation to the line. The stream crossing will be performed in accordance with the VELCO Environmental Guidance Manual, which has been reviewed by the ANR and the US Army Corps of Engineers. Therefore, there will be no undue adverse impacts to streams as a result of the construction of or operation of the Project. Mallory pf. at 25; exh. VELCO-Mallory-13.

Shorelines

[10 V.S.A. § 6086(a)(1)(F)]

39. The Project is not located on a shoreline. Mallory pf. at 26; exh. VELCO-Mallory-13.

Wetlands

[10 V.S.A. § 6086(a)(1)(G)]

40. The Petitioners delineated and surveyed four Class Three wetlands within the investigation area. Mallory pf. at 26-27; exh. VELCO-Mallory-13.

41. VELCO plans to use a temporary stream crossing to access a portion of the line to the east of one identified Wetland. Therefore, there will be no undue adverse wetland impacts as a result of the construction or operation of the Project. *Id.*

Sufficiency of Water and Burden on Existing Water Supply

[10 V.S.A. §§ 6086(a)(2) and (3)]

42. The Project will not unduly burden existing water supplies. The Project will take advantage of the existing municipal hookup, and VELCO has been in consultation with the

Village of Lyndonville during the planning phase of the Project. Mallory pf. at 27; exh. VELCO-Mallory-13.

Soil Erosion

[10 V.S.A. § 6086(a)(4)]

43. The Project will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that dangerous or unhealthy conditions may result. The effects of soil erosion on adjacent water bodies and wetlands will be managed in accordance with the Project's specific EPSC Plan and as such no undue impacts will result. Such a plan will include the installation of preventative measures, monitoring and maintenance of the measures, inspections and proactive action taken to address areas that pose significant erosion potential. Mallory pf. at 28; exh. VELCO-Mallory-13.

Transportation System

[10 V.S.A. § 6086(a)(5)]

44. The Project will not cause unreasonable congestion or unsafe conditions with respect to use of the highways, waterways, railways, airports or airways, and other means of transportation existing or proposed. Petitioners expect no long-term traffic impacts from the Project and only minor short-term traffic impacts due to deliveries of equipment to the site during the construction period. Such deliveries will use existing roads with vehicles that are commonly used on such public roads. Mallory pf. at 28.

Educational Services

[10 V.S.A. § 6086(a)(6)]

45. The Project will not cause an unreasonable burden on the ability of a municipality to provide educational services. Educational services will not be impacted by the Project. Mallory pf. at 29.

Municipal Services

[10 V.S.A. § 6086(a)(7)]

46. The Project will not place an unreasonable burden on the ability of the local government to provide municipal or governmental services. The Project will not require any additional municipal services. Mallory pf. at 29.

Aesthetics, Historical Sites, and Rare and Irreplaceable Natural Areas

[10 V.S.A. § 6086(a)(8)]

47. The Project will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas. This finding is supported by findings 47-52, below. Mallory pf. at 29-30.

48. A detailed aesthetic analysis performed with regard to the Project's aesthetic impacts concluded that, overall, the Project's visual impacts will not be adverse because: (1) the site is appropriately located to limit views for a large extent of the surrounding area; and (2) views that are possible, mainly from the east of the site, are limited in duration, partially or mostly screened, and are mainly in context with the surrounding commercial properties. Mallory pf. at 18-19; exh. VELCO-Mallory-12.

49. The Project site is situated such that views from the west, north, and northwest are screened by surrounding topology and dense vegetation. As part of the design process VELCO has mitigated views from the south and east by siting the substation and connecting transmission lines to the west of its parcel to retain existing vegetation to the east, and to allow further vegetation by structure removal from the existing corridor. The substation is also being sited to a level slightly lower than the immediate surrounding ground level. This will help to screen the bulk of the substation equipment that is less than twenty feet in height, from potential viewing areas. Mallory pf. at 19-20.

50. No later than four weeks following substation commissioning, the Department and the Petitioners will conduct a visual assessment of the Project as-built for the purpose of evaluating whether plantings are needed to mitigate aesthetic impacts to the public views from the northeast of the substation. Locations to be assessed shall include, though not necessarily limited to, the intersection of Lily Pond Road and Whipple Hill Drive. Parties will report the conclusions drawn from the visual assessment to the Board. MOU at 2.

51. The revised Tree Clearing Plan (exh. VELCO-Mallory-3) shows a modified limit of disturbance that will be flagged in the field with boundary tape during construction. Petitioners will not disturb that area immediately outside of this limit to the east or northeast of the substation site but for the removal of the existing transmission line structures. Prohibited

disturbances include, though are not necessarily limited to, tree removal, staging of construction materials, and movement of vehicles. Danger trees located outside of the clearing boundary may need to be removed if they present a safety or reliability hazard. MOU at 2-3.

52. The United States Fish and Wildlife Service reported no federally listed species, species proposed for listing, or significant habitat within or adjacent to the Project site. There are also no Rare and Irreplaceable Natural Areas within the Project investigation area. Mallory pf. at 29; exh. VELCO-Mallory 13.

53. There are no known historic sites in the area of the Project. Mallory pf. at 17; exhs. VELCO-Mallory-10 and 11.

Necessary Wildlife Habitat and Endangered Species

[10 V.S.A. § 6068(a)(8)(A)]

54. There are no rare, threatened, or endangered species within or adjacent to the Project site. In addition, there were no significant natural communities within or adjacent to the Project area. Mallory pf. at 29; exh. VELCO-Mallory-13

Development Affecting Public Investments

[10 V.S.A. § 6068(a)(9)(K)]

55. The Project will not unnecessarily or unreasonably endanger any public or quasi-public investment in any facility, service, or lands, or materially jeopardize or interfere with the function, efficiency, or safety of, or the public's use or enjoyment of or access to any facility, service, or lands. Mallory pf. at 30.

Least-Cost Integrated Resource Plan

[30 V.S.A. § 248(b)(6)]

56. While VELCO does not have an Integrated Resource Plan ("IRP"), the Project is consistent with VELCO's 2009 Vermont Long-Range Transmission Plan ("VELCO Plan"). The Project is listed as priority number one on VELCO's list of proposed transmission projects. Mallory pf. at 31; exh. VELCO-Mallory-5.

57. LED's filed IRP does not include a transmission and distribution section. Because LED does not have a recently approved complete IRP, it must demonstrate that the Project complies with principles of integrated resource planning as defined in 30 V.S.A. § 218c. The Project

complies with these principles because it will resolve an identified reliability deficiency. Mason pf. at 9.

Compliance with Electric Energy Plan

[30 V.S.A. § 248(b)(7)]

58. The Project complies with the Department's 2005 Vermont Electric Plan ("Plan"). The Plan sets forth several basic objectives that must be satisfied in serving the public interest. When utilities design and implement long-range resource plans, the Plan requires them to strive to meet Vermont's electric energy needs in a manner that is "efficient, adequate, reliable, secure, sustainable, affordable, safe, and environmentally sound, while encouraging the state's economic vitality and maintaining consistency with other state policies." Utilities must "carefully balance" these objectives. The Project is consistent with these objectives. Mallory pf. at 31-32.

59. The Department issued a determination, in a letter filed on January 25, 2010, that the proposed project is consistent with the Vermont Twenty-Year Electric Plan, in accordance with 30 V.S.A. § 202(f). Department letter dated January 22, 2010.

Outstanding Water Resources

[30 V.S.A. § 248(b)(8)]

60. The Project is not located on or near any outstanding resource waters. Mallory pf. at 21; exh. VELCO-Mallory-13.

Existing or Planned Transmission Facilities

[30 V.S.A. § 248(b)(10)]

61. The Project can be served economically by existing transmission facilities without undue adverse effect on Vermont utilities or customers. The proposed substation will be adjacent to existing transmission lines and the Project is designed to enhance the existing utility system and to improve service to customers. Mallory pf. at 35.

IV. DISCUSSION AND CONCLUSIONS

Based upon all the above evidence, and with the conditions I recommend that the Board include as part of the approval of the Project, I conclude that the Project:

- (a) will not unduly interfere with the orderly development of the region with due consideration having been given to the recommendations of the municipal and regional planning commissions, and the recommendations of the municipal legislative bodies;
- (b) is required to meet the need for present and future demand for service which could not otherwise be provided in a more cost-effective manner through energy conservation programs and measures and energy efficiency and land management measures;
- (c) will not adversely affect system stability and reliability;
- (d) will result in an economic benefit to the state and its residents;
- (e) will not have an undue adverse effect on aesthetics, historic sites, air and water purity, the natural environment and the public health and safety, with due consideration having been given to the criteria specified in 10 V.S.A. § 1424a(d) and §§ 6086(a)(1) through (8) and (9)(K);
- (f) is consistent with the principles of least-cost integrated resource planning;
- (g) is in compliance with the electric energy plan approved by the DPS under § 202 of Title 30 V.S.A.;
- (h) does not involve a facility affecting or located on any segment of the waters of the State that has been designated as outstanding resource waters by the Water Resources Board;
- (i) does not involve a waste-to-energy facility; and
- (j) can be served economically by existing or planned transmission facilities without undue adverse effect on Vermont utilities or customers.

All parties to this proceeding have waived their rights under 3 V.S.A. § 811 to file written comments or present oral argument with respect to this proposal for decision, provided that this proposal for decision is substantially in the form as that agreed to by the Parties. Because this proposal for decision is substantially in the agreed-upon form, it has not been circulated to the parties.

Dated at Montpelier, Vermont, this 10th day of March, 2010.

s/ Gregg Faber
Gregg Faber
Hearing Officer

IV. ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that:

1. The findings, conclusions, and recommendations of the Hearing Officer are adopted.
2. The construction, by Vermont Electric Power Company, Inc., Vermont Transco LLC (collectively referred to as "VELCO") and the Village of Lyndonville Electric Department ("LED") (together referred to as the "Petitioners"), of a new substation on a VELCO-owned 8.61 acre parcel of land, north of and adjacent to LED's No. 2 Substation on Hill Street, in the Town of Lyndon, Vermont. (the "Project"), in accordance with the evidence, plans and approvals submitted in the proceeding, will promote the general good of the State of Vermont consistent with 30 V.S.A. § 248, and a certificate of public good shall be issued to allow such construction.
3. Petitioners shall comply with the following conditions to be set forth in the Certificate of Public Good:
 - a. Construction, operation, and maintenance of the Project shall be in accordance with the plans and evidence submitted in this proceeding. Upon completion of the Project, Petitioners shall file "as-built" plans for the Project. Any changes to the plans will require prior Board approval.
 - b. Prior to commencement of site preparation for and construction of the Project, Petitioners shall file with the Board confirmation that they have obtained all required permits and copies of the same shall have been filed with the Board.
 - c. No later than four weeks following substation commissioning, the Department of Public Service and the Petitioners shall conduct a visual assessment of the Project as-built for the purpose of evaluating whether plantings are needed to mitigate aesthetic impacts to the public views from the northeast of the substation. Locations to be assessed shall include, though not necessarily be limited to, the intersection of Lily Pond Road and Whipple Hill Drive. Parties shall report the conclusions drawn from the visual assessment to the Board.

d. The revised Tree Clearing Plan (exh. VELCO-Mallory-3) shows a modified limit of disturbance that will be flagged in the field with boundary tape during construction. Petitioners shall not disturb that area immediately outside of this limit to the east or northeast of the substation site but for the removal of the existing transmission line structures. Prohibited disturbances include, though are not necessarily limited to, tree removal, staging of construction materials, and movement of vehicles. Danger trees located outside of the clearing boundary may need to be removed if they present a safety or reliability hazard.

4. The Board will retain jurisdiction to review and approve post-construction aesthetic mitigation measures.

Dated at Montpelier, Vermont, this 11th day of March, 2010.

s/ James Volz)

) PUBLIC SERVICE

s/ David C. Coen)

) BOARD

s/ John D. Burke)

) OF VERMONT

OFFICE OF THE CLERK

FILED: March 11, 2010

ATTEST: s/ Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.